

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON

**ALONZO C. WILLIAMS v. STATE OF TENNESSEE**

**Direct Appeal from the Circuit Court for Lauderdale County  
No. 5822 Joe H. Walker, III, Judge**

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**No. W2004-00499-CCA-R3-HC - Filed September 1, 2004**

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The Petitioner, Alonzo C. Williams, appeals the trial court's denial of his petition for habeas corpus relief. The State has filed a motion requesting that this Court affirm the trial court's denial of relief pursuant to Rule 20, Rules of the Court of Criminal Appeals. Because Petitioner has failed to allege a ground for relief which would render the judgment void, we grant the State's motion and affirm the judgment of the lower court.

**Tenn. R. App. P. 3; Judgment of the Trial Court Affirmed Pursuant to Rule 20, Rules of the Court of Criminal Appeals**

ALAN E. GLENN, J., delivered the opinion of the court, in which DAVID G. HAYES and JOHN EVERETT WILLIAMS, JJ. joined.

Alonzo Williams, pro se.

Paul G. Summers, Attorney General & Reporter; Jennifer L. Bledsoe, Assistant Attorney General, for the appellee, the State of Tennessee.

**MEMORANDUM OPINION**

On November 22, 1983, Petitioner was convicted of two counts of third degree burglary. *See Alonzo C. Williams v. State*, No. 03C01-9806-CR-00203, 1999 WL 595419, at \*1 (Tenn. Crim. App. at Knoxville, Aug. 10, 1999), *perm. to appeal denied*, (Tenn. Dec. 27, 1999). Because the Petitioner had several prior felony convictions, including at least one offense in South Carolina, he was declared a habitual criminal. *Id.* Each of the burglary convictions was enhanced to life terms. *Id.* On direct appeal, the convictions and sentences were affirmed. *Id.*

(citing *State v. Alonzo Clinton Williams*, No. 980 (Tenn. Crim. App. at Knoxville, Nov. 20, 1984)). Petitioner subsequently filed a series of petitions seeking post-conviction relief, all of which were denied. *See, e.g., Alonzo C. Williams v. State*, No. 03C01-9806-CR-00203, 1999 WL 595419, at \*1 (petition barred by statute of limitations); *Alonzo Clinton Williams v. State*, No. 1283, 1990 WL 16875, at \*1 (Tenn. Crim. App. at Knoxville, Feb. 27, 1990) (petition denied challenging ineffective assistance of counsel); *Alonzo Clinton Williams v. State*, No. 03C01-9110-CR-00331, 1992 WL 81940, at \*1 (Tenn. Crim. App. at Knoxville, Apr. 23, 1992), *perm. to appeal denied*, (Tenn. Jul. 6, 1992) (petition denied challenging underlying 1980 guilty plea); *Alonzo Williams v. State*, No. 1100, 1987 WL 7319, at \*1 (Tenn. Crim. App. at Knoxville, Mar. 4, 1987) (petition denied challenging ineffective assistance of counsel).

On January 28, 2004, Petitioner filed an application for writ of habeas corpus relief, alleging that three of the convictions used to enhance his sentence to life imprisonment are void. Specifically, Petitioner alleges that his 1974 Knox County conviction in case 8991 is void because the court was without authority to sentence the Petitioner to a sentence that did not exist in Tennessee law. He further alleges that his 1981 Davidson County guilty plea is void because the sentence was imposed in direct contradiction to Tennessee law. Finally, the Petitioner contends that his South Carolina conviction is void because he was denied the assistance of counsel. The trial court summarily dismissed the petition on January 30, 2004, finding that the Petitioner's sentence has not expired and that the trial court had jurisdiction to sentence the Petitioner to life.

Habeas corpus relief is available in this state only when it appears on the face of the judgment or the record that the trial court was without jurisdiction to convict or sentence the defendant or that the sentence of imprisonment has otherwise expired. *Archer v. State*, 851 S.W.2d 157, 164 (Tenn. 1993); *Potts v. State*, 833 S.W.2d 60, 62 (Tenn. 1992). Unlike the post-conviction petition, the purpose of the habeas corpus petition is to contest a void, not merely voidable, judgment. *State ex rel. Newsome v. Henderson*, 221 Tenn. 24, 424 S.W.2d 186, 189 (1968). A petitioner cannot collaterally attack a facially valid conviction in a habeas corpus proceeding. *Potts v. State*, 833 S.W.2d 60, 62 (Tenn. 1992); *State ex rel. Holbrook v. Bomar*, 211 Tenn. 243, 364 S.W.2d 887, 888 (1963).

The Petitioner has not established that he is entitled to habeas corpus relief. He has alleged neither a facially invalid judgment nor an expired sentence. Significantly, the Petitioner has failed to include in support of his petition copies of the Tennessee judgments he claims are void. In *State v. McClintock*, 732 S.W.2d 268, 271-72 (Tenn. 1987), our supreme court stated that "unless invalid on its face, a prior judgment of conviction in a court with personal and subject matter jurisdiction cannot be collaterally attacked in a subsequent proceeding in which the challenged conviction is used to enhance punishment." Rather, the authorized route for attacking a facially valid, final judgment of conviction is by the Post Conviction Procedure Act. *State v. McClintock*, 732 S.W.2d at 272. Moreover, regarding the Petitioner's South Carolina conviction, it is well-established that a defendant may not collaterally attack an out-of-state

conviction in this State. *See* U.S. Const. art. IV, § 1; *see also Rhoden v. State*, 816 S.W.2d 56, 66 (Tenn. Crim. App. 1991).

Accordingly, it is ORDERED that the State's motion is GRANTED. The judgment of the trial court is AFFIRMED in accordance with Rule 20, Rules of the Court of Criminal Appeals.

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ALAN E. GLENN, JUDGE